



BOARD OF INQUIRY (*Human Rights Code*)

IN THE MATTER OF the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19, as amended;

AND IN THE MATTER OF the complaints by Shi-Jing Aass dated March 20, 2000; and Patricia Ross dated March 21, 2000, alleging discrimination in employment on the bases of gender and sexual solicitation; and gender respectively.

B E T W E E N:

Ontario Human Rights Commission

-and-

Shi-Jing Aass and Patricia Ross

Complainants

-and-

811120 Ontario Limited (o/a OZ Merchandising Inc.) and Omur Sezerman

Respondents

DECISION

Adjudicator: Patricia E. DeGuire

Date: May 7, 2001

Board File No.: BI-350/351-00

Decision No.: 01-010

Board of Inquiry (*Human Rights Code*)

505 University Avenue

2nd Floor, Toronto, ON M5G 2P3

Phone (416) 314-0004 Toll free 1-800-668-3946 Fax: (416) 314-8743

TTY: (416) 314-2379 TTY Tollfree: 1-800-424-1168

APPEARANCES

Ontario Human Rights Commission)	
)	William R. Holder
)	

Shi-Jing, Complainant)	
)	Shi-Jing Aass
)	
Patricia Ross, Complainant)	Patricia Ross
)	

811120 Ontario Limited, (o/a OZ Optics Limited);)	
and 10478545 Ontario Limited,)	Russel W. Zinn
(o/a oz Merchandising Inc.) Corporate)	
Respondents)	
)	
)	
Omur Sezerman, Personal Respondent)	Russel W. Zinn
)	
)	

By letter dated October 25, 2000, the Ontario Human Rights Commission (“Commission”) informed the Board of Inquiry (“Board”) that it will not be leading any evidence or seeking a remedy in this matter because the Complainants and the Respondents had reached an agreement to settle this matter.

By letter dated October 31, 2000, Mr. Russel W. Zinn, counsel for the Corporate and Personal Respondents (“Respondents”), informed the Board that the Respondents and the Complainants had achieved settlements in this matter. In addition, Mr. Zinn asked the Board to dismiss this matter. The Board deems Mr. Zinn’s letter sufficient for a Notice of Motion seeking an Order to dispose of this matter.

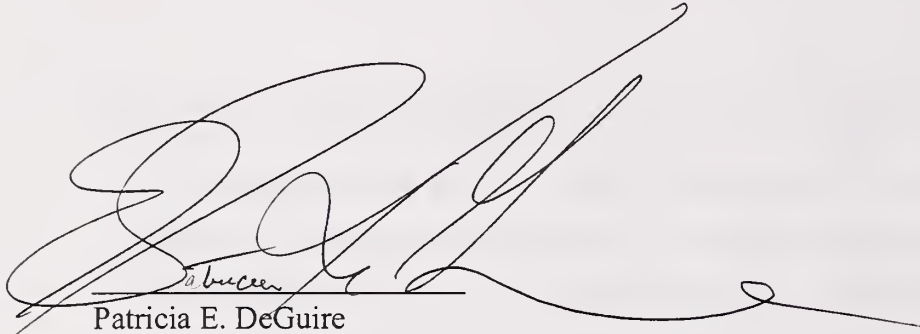
On November 9, 2000, the Board enquired whether all the parties consented to the motion. The two Complainants did not advise the Board whether they consented to dispose of this matter.

In support of the motion, on November 29, 2000, Mr. Zinn filed the Board’s Form 3 (Confirmation of Full Settlement), which was executed by the two Complainants and the Respondents. In addition, by letter dated November 29, 2000, the Commission consented to dispose of this matter pursuant to subsection 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22, as amended (“*SPPA*”). That subsection states: “If the parties consent, the proceeding may be disposed of by decision of the tribunal given without a hearing, unless the Act under which the proceeding arises provides otherwise.”

In the Board’s view, there is nothing in the Ontario *Human Rights Code*, R.S.O. 1990, c.H.19, as amended, which renders subsection 4.1 of the *SPPA* inoperative. The Board is satisfied that the Complainants and the Respondents did execute the Form 3 after reaching a settlement in this matter. Accordingly, the Board deems the Form 3 as sufficient indicium of consent of the two Complainants for the purpose of granting an Order to dispose of this matter.

In all the circumstances, the Board has decided to and hereby disposes of this matter.

Dated at Toronto this 7th day of May, 2001.

A large, stylized handwritten signature in black ink, featuring multiple loops and a long horizontal stroke extending to the right.

Patricia E. DeGuire
Vice Chair